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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,706	06/27/2001	Frank Bahren	Westphal.6312	4687

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SPRINGFIELD, MA 01115

EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/892,706	Applicant(s) BAHREN ET AL.	
	Examiner Duyen M. Doan	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8,12,14-18 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,8,12,14-18 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the submission filed on 11/30/06. Claims 6,8,12,14-18,23-25 are presented for examination. Claims 1-5,7,9-11,13,19-22 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6,18,25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 6,18,25 recites "first network unit comprising a wireless telephone". This limitation was not described in the specification. The most applicant described was the first network unit is a telephone (see applicant's specification pg.15, lines 10-13) not a wireless telephone.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,8,12,14-18,23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted Prior Art (AAPA) and Angwin (US 6,246,688).

Applicant admitted that a first network such as MOST, and network units, such as CD, DVD, etc, were prior art (see specification, page. 1, paragraph 1-2). The AAPA does not include a proxy for communication with another units, and a first network units, which functioned as a gateway to second network, e.g., Internet, or the like, and Application Program Interface (API) for communication with the proxy in the other network units. However, Since, the instant disclosure does not explicitly define the term "proxy", "structural of the proxy" or "process of the proxy", therefore, term "proxy" could be read into any type of interface, which enable a network unit to communicate with an interfaces of another network units. Since the MOST is known and since the units in the Most readily communicated to each other, i.e., network together, the proxy, therefore, apparently, is an inherent feature in the MOST.

Thus, the only issue that was left off from AAPA is a device that functions as a gateway to an external network, e.g., telephone.

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However, in the same field of endeavor, Angwin teaches a system that using cellular phone as a gateway for an automotive network (title of the patent). Angwin is motivated by cost and complexity of installing radio transmission, the needed of controlling hi-technology equipments, which are widely utilized in vehicles, an emergency situations with may required to access the vehicle from outside, and last but not least, a readiness of telephone device, at the time (Col. 1, lines 25-65). Angwin teaches an inventive concept of using a telephone as a gateway for the devices in a network of a vehicle. Angwin further suggests, at the time of his invention was made, the phone that built in network and application stacks gad readily existed in the art (Col. 1, lines 53-65). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to take advantage of an inventive concept suggested by Angwin, by combining the existing technology, i.e., a phone with IP and API stacks, with another existing network technology, such as the MOST, because it would enhance a capability of the devices in the existing network by enabling them to access external network, such as, Internet, with a minimum cost and complexity.

Response to Arguments

Applicant's arguments filed 11/30/06 have been fully considered but they are not persuasive.

As regard to applicant's argument that the prior art does not teach "installed in each of the plurality of network units other than said first network unit" Examiner

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respectfully disagrees, Angwin teaches a cellular phone acting as proxy, adopting a concept of singularity to a plurality is a mere replication, which is obvious and not patentable distinct (*In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), by installing in plurality of network units other than the first network unit is a matter of implementation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER